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P.O. Box 1450
Alexandria, VA 22313-1450

JFW

PATENT

Docket No.: 015358-005210US
Client Ref. No.: AP-98-262 A

On June 13, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Anna C. Kundel*
Anna C. Kundel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory Wolff

Application No.: 10/697,606

Filed: October 29, 2003

For: SYSTEM FOR DISTRIBUTING,
INSTALLING, AND RUNNING WEB
APPLICATIONS (AGENTS)

Examiner: Not Yet Assigned

Art Unit: 2154

PETITION TO ASSERT PROOF OF
FILING OF FIGURE 1 WITH
APPLICATION ON OCTOBER 29, 2003,
AND REQUEST FOR REFUND

06/16/2005 BABRAHA1 00000048 201430 10697606
01 FC:1462 400.00 DA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Notice of Omitted Item(s) in a Non-Provisional Application mailed May 12, 2005, the U.S. Patent Office states that Figure 1, described in the specification, was omitted from the application as filed, and that only five sheets of drawings were received. Applicant respectfully disagrees with this statement and asserts that Figure 1 was deposited with the application on October 29, 2003.

The undersigned asserts that the application was submitted on October 29, 2003, with six sheets of informal drawings attached to the specification, and six sheets of formal drawings attached to the Preliminary Amendment. The specification and six sheets of informal drawings were taken directly from the originally filed specification and drawings from parent Application No. 09/314,614. The six sheets of formal drawings were included with the Preliminary Amendment as the informal drawings did not comply

with U.S. Patent Office drawings rules. The attached six sheets of formal drawings were also submitted in the parent application.

As proof of the deposit of Figure 1, Applicant attaches a copy of the Utility Application Transmittal (Form PTO/SB/05), filed on October 29, 2003, which shows that six sheets of drawings were included at Section No. 4 of the Transmittal. Further, Applicant indicated that six sheets of formal drawings were included at Section No. 17 of the Transmittal.

Also enclosed, please find a copy of the date-stamped postcard, which indicates that six sheets of informal drawings and six sheets of formal drawings were included with the application. Further, upon mailing, each section was checked off to indicate that the materials were included in the application. The U.S. Patent Office indicated receipt of all listed documents by placing its date-stamp on the return postcard.

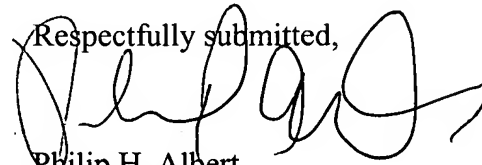
For your convenience, Applicant is including a copy of the six sheets of formal drawings, as filed on October 29, 2003, with this Petition.

CONCLUSION

In view of the foregoing, it is respectfully requested that Figure 1 be accepted as filed with the application on October 29, 2003.

Because this Petition was not necessitated by any error or omission by Applicant, it is respectfully requested that the fee for this Petition be refunded to Deposit Account No. 20-1430.

This Petition is submitted in duplicate.

Respectfully submitted,

Philip H. Albert
Reg. No. 35,819

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PATENT
Docket No.: 015358-005210US
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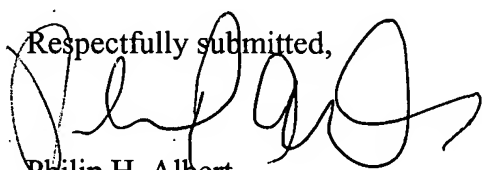
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Respectfully submitted,


Philip H. Albert
Reg. No. 35,819

**PETITION FEE**
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	
Filing Date	
First Named Inventor	Wolff, Gregory
Art Unit	
Examiner Name	
Attorney Docket Number	015358-005210US

Enclosed is a petition filed under 37 CFR \$1.182 that requires a processing fee (37 CFR 1.17(f)). Payment of \$ 400 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see or PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-1430 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- ✓ § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

SignaturePhilip H. Albert

Typed or printed name6/15/05

Date

35,819

Registration No., if applicable

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	015358-005210US
First Inventor	Wolff, Gregory
Title	SYSTEM FOR DISTRIBUTING, INSTALLING, AND RUNNING WEB APPLICATIONS (AGENTS)
Express Mail Label No.	EV 330859697 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 11]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) [Total Sheets 6]
5. ☐ Oath or Declaration [Total Pages 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper number of pages
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (from parent)
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: 6 sheets formal drawings

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09/314,614

Prior application Information: Examiner Hai V. Nguyen

Art Unit: 2142

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number

20350

OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Philip H. Albert

Registration No. (Attorney/Agent)

35,819

Signature

Date

10/29/03

Best Available Copy

DIVISIONAL PATENT APPLICATION
FILING ACKNOWLEDGMENT

EV330859697US

Express Mail

Mailing Date: October 29, 2003

File No.: 15358-005210US Attorney: PHA/jtc

Inventor(s): Gregory Wolff

Title: System for Distributing, Installing, and Running

☒ Web Applications (Agents)
☒ Declaration (Parent) Power of Attorney ☒ Fee Transmittal
Combined Declaration & Power of Attorney (duplicate)

☒ X Assignment (Parent) Small Entity Decl.

☒ X Utility Patent Application Transmittal

No. Pages of Description: 8 ☒ X Preliminary Amendment

No. Pages of Appendix: 1 ☒ X 6 Sheets Formal Dwg.

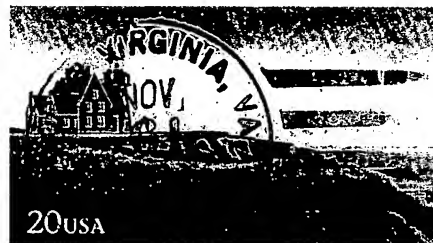
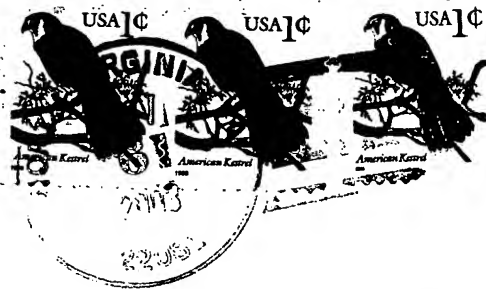
No. Pages of Claims: 2

No. Pages of Abstract: 1

No. Sheets of Drawings: 6

Microfiche Appendix: 1

Please stamp the date of receipt of the enclosed documents and return this card to addressee



LAW OFFICES
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834

22264 U.S. PTO
10/697606



102903



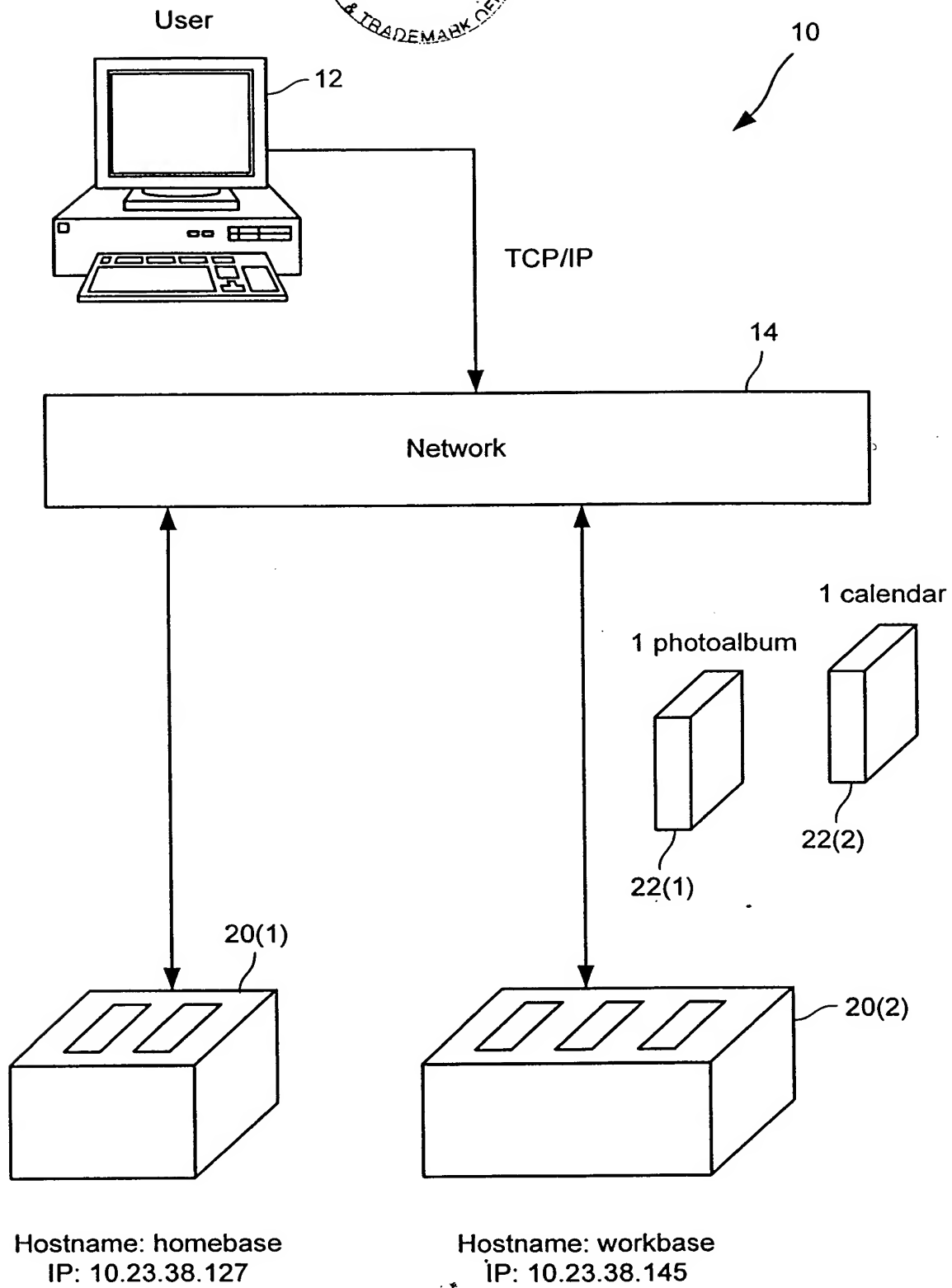


FIG. 1

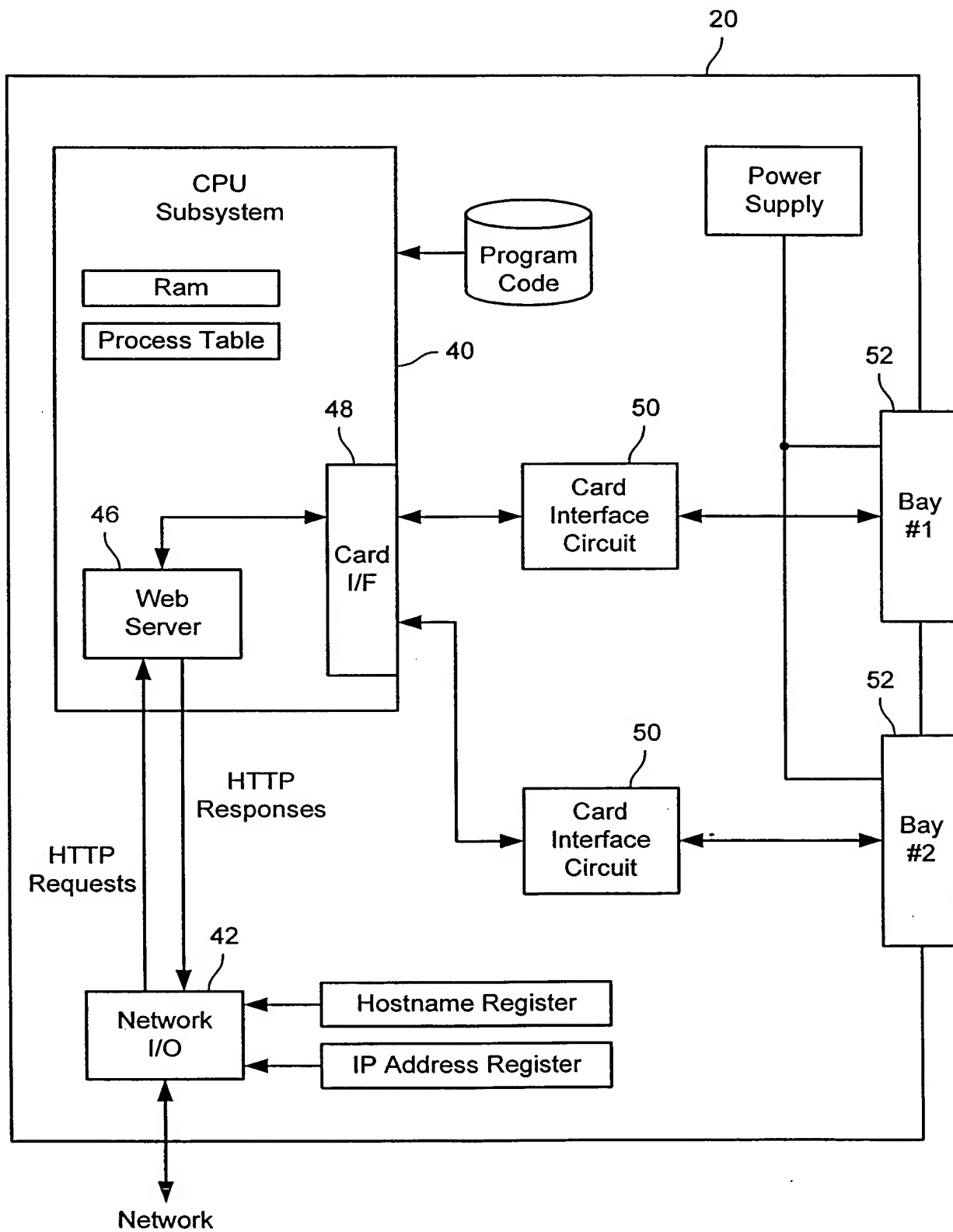


FIG. 2

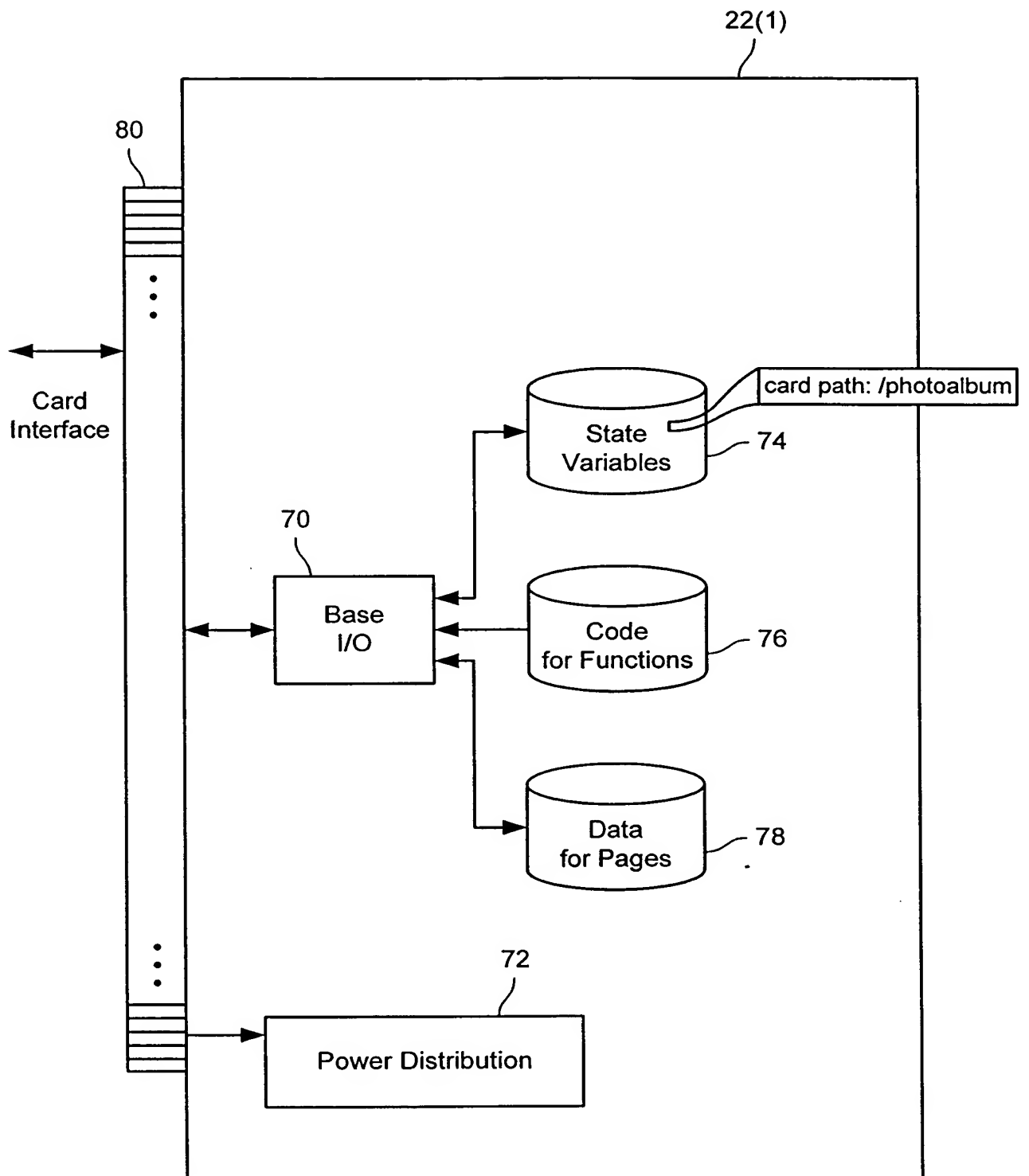


FIG. 3

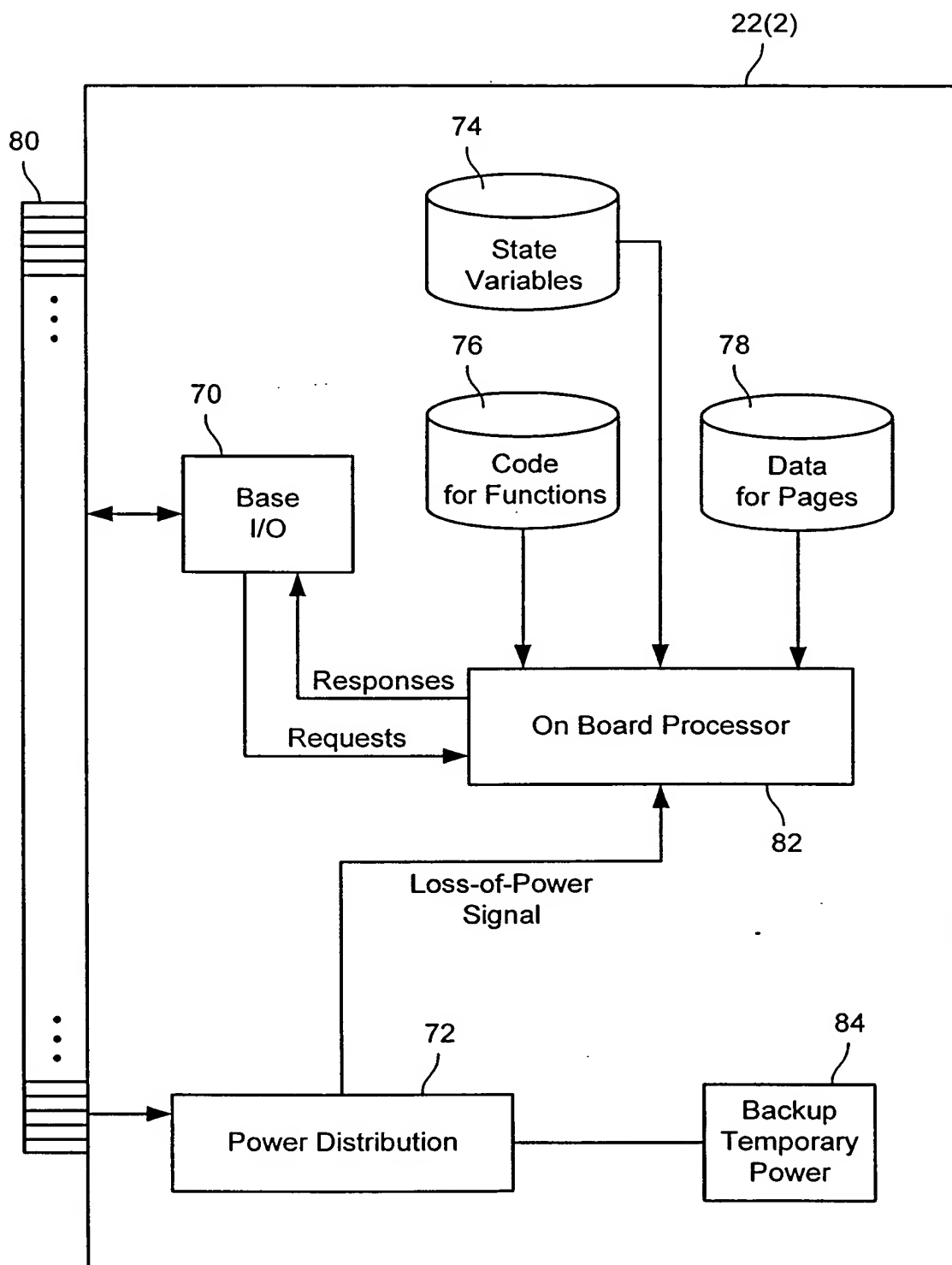


FIG. 4

```

agent:
<agent>
  <class>CalendarAgent</class>
  <name>Calendar</name>
  <owner>joe</owner>
  <id>765</id>
  ...[other state variables]...
  <last_trans>add_Event</last_trans>
</agent>

/data/1998/07/21/03pm.html:
<event>
  <date>07/21/1998</date>
  <time>03 30pm</time>
  <description>meeting</description>
</event>

agent.ts:
<tagset>
  <define element=event>
    <action>
      <!-- how to transform events -->
      ...
      ...&agent:name...
    </action>
  </define>
  <define element=show_events>
    <action>
      find event file
      output event file
    </action>
  </define>
</tagset>

events.xml:
<h1> Today's Events </h1>
<show_events date=&date;></show_events>
<...>
<footer></footer>

```

74

78

76

FIG. 5

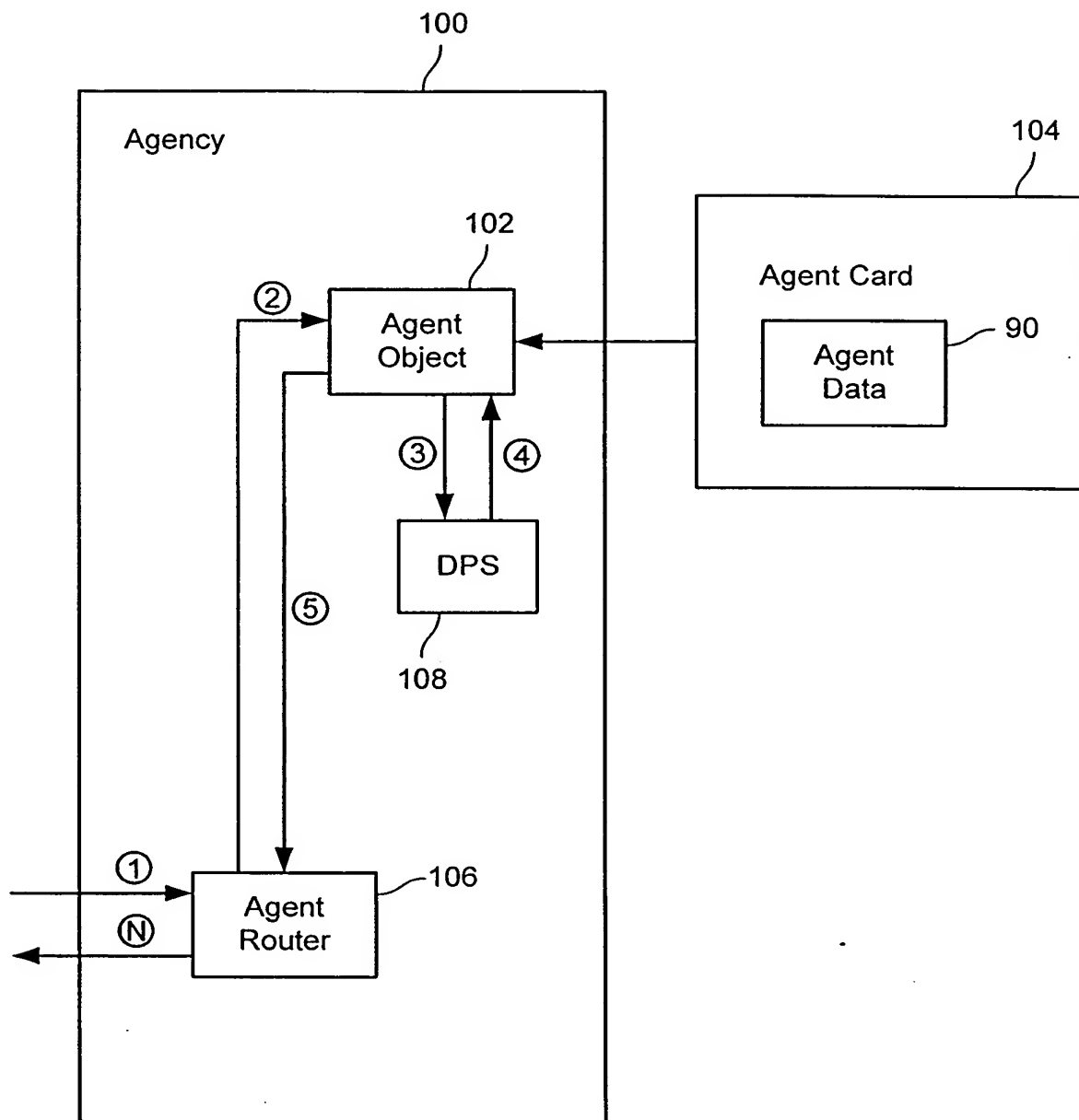


FIG. 6